

**RESOLUTION AMENDING PROVISION ON
MUNICIPAL WATER RIGHTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay L. McIff

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to municipal water rights.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize a municipality to lease, on a short term basis, water rights owned or controlled by the municipality, and to renew the lease; and
- ▶ make technical changes.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE XI, SECTION 6

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution Article XI, Section 6, to read:

Article XI, Section 6. [Municipalities forbidden to sell waterworks or rights.]



[No municipal corporation, shall]

(1) (a) Except as provided in Subsection (2), a municipality:

(i) may not, directly or indirectly, lease, sell, alien, or dispose of any waterworks, water rights, or sources of water supply [~~now, or hereafter to be~~] owned or controlled by [~~it, but all such~~] the municipality; and

(ii) shall preserve, maintain, and operate those waterworks, water rights, and sources of water supply [~~now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it~~] for supplying its inhabitants with water at reasonable charges[~~:- Provided, That nothing herein contained shall~~].

(b) Subsection (1)(a) may not be construed to prevent [~~any such municipal corporation~~] a municipality from exchanging [~~water rights;~~] water rights or sources of water supply[~~;~~] for other [~~water rights~~] water rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.

(2) (a) A municipality may lease water rights that the municipality owns or controls, if the leased water rights are for use within the state.

(b) A lease of water rights under Subsection (2)(a) may be renewed one or more times.

(c) (i) The term of a lease under Subsection (2)(a) may not exceed seven years.

(ii) The term of any renewed lease under Subsection (2)(b) may not exceed seven years.

Section 2. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

Legislative Review Note

as of 2-5-09 12:30 PM

Office of Legislative Research and General Counsel